

U.S. DISTRICT COURT  
DISTRICT OF NEW HAMPSHIREIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

MAY - 8 2009

PHILLIP SCHERRER

CIVIL NO. 08-CV-02-SM

**FILED**

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

**ORDER**

In view of the motion for a psychiatric/mental evaluation filed by the Government regarding petitioner Phillip Scherrer, it is hereby ORDERED that a psychiatric/mental evaluation of petitioner be made to determine whether he was competent at the time following the filing of criminal charges to consult and aid his counsel in his defense, and during the change of plea hearing, pursuant to Title

18, United States Code, Sections 4241 (a) & (b).

*AND, TO PROVIDE AN OPINION WITH RESPECT TO DEFENDANT'S ABILITY TO ENTER A KNOWING, VOLUNTARY, AND INTELLIGENT PLEA OF GUILTY.*

The Court ORDERS that the psychiatric/mental evaluation as above described will be made at the facilities of the Butner Federal Correctional Facility located in North Carolina, as available. The Government and petitioner, through their respective counsel, shall submit copies of all available and relevant records to the Butner Federal Correctional Facility located in North Carolina for conducting petitioner's mental evaluation and in order to assist in the psychiatric/mental evaluation of the petitioner.

It is further ORDERED that such facility shall expeditiously report in writing to this Court the results of said psychiatric/mental evaluations and examinations, by furnishing a copy to the United States Attorney for the District of New Hampshire through the Assistant United States Attorney handling the case and the attorney for petitioner, to their respective addresses of record.

The United States Marshal's Office for this District is ORDERED to make all necessary arrangements and transfer petitioner immediately to the Butner Federal Correctional Facility located

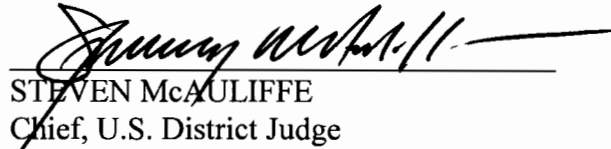
*6/1/2004,  
given the  
Medications  
Administered  
at  
That  
Time.*

in North Carolina, in order to have the psychiatric/mental evaluation and, that once the evaluation is concluded, it is ORDERED to return petitioner forthwith to the District.

It is hereby ORDERED that no statement made by petitioner during the course of the above described examination shall be admissible against him on the issue of guilt or innocence in any criminal proceeding.

IT IS SO ORDERED.

In Concord, New Hampshire, this 8<sup>th</sup> day of May, 2009.

  
STEVEN McAULIFFE  
Chief, U.S. District Judge